



# Variance Application

Louisville Metro Planning & Design Services

Case No.: \_\_\_\_\_ Intake Staff: \_\_\_\_\_

Date: \_\_\_\_\_ Fee: \_\_\_\_\_

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5<sup>th</sup> Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

## **Project Information:**

This is a variance from Section \_\_\_\_\_ of the Land Development Code, to allow \_\_\_\_\_.

Primary Project Address: \_\_\_\_\_

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: \_\_\_\_\_

Additional Parcel ID(s): \_\_\_\_\_

Proposed Use: \_\_\_\_\_ Existing Use: \_\_\_\_\_

Existing Zoning District: \_\_\_\_\_ Existing Form District: \_\_\_\_\_

Deed Book(s) / Page Numbers<sup>2</sup>: \_\_\_\_\_

The subject property contains \_\_\_\_\_ acres. Number of Adjoining Property Owners: \_\_\_\_\_

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*<sup>1</sup> ☐ Yes ☐ No

If yes, please list the docket/case numbers:

Docket/Case #: \_\_\_\_\_ Docket/Case #: \_\_\_\_\_

Docket/Case #: \_\_\_\_\_ Docket/Case #: \_\_\_\_\_

**Contact Information:****Owner:** ☐ *Check if primary contact***Applicant:** ☐ *Check if primary contact*

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Primary Phone: \_\_\_\_\_

Primary Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

**Owner Signature (required):** \_\_\_\_\_**Attorney:** ☐ *Check if primary contact***Plan prepared by:** ☐ *Check if primary contact*

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Primary Phone: \_\_\_\_\_

Primary Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

---

---

**Certification Statement:** A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, \_\_\_\_\_, in my capacity as \_\_\_\_\_, hereby  
*representative/authorized agent/other*

certify that \_\_\_\_\_ is (are) the owner(s) of the property which  
*name of LLC / corporation / partnership / association / etc.*

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

**Variance Justification:**

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

- 1. Explain how the variance will not adversely affect the public health, safety or welfare.**

- 2. Explain how the variance will not alter the essential character of the general vicinity.**

- 3. Explain how the variance will not cause a hazard or a nuisance to the public.**

- 4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

*Additional consideration:*

- 1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

- 2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

- 3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

**Please submit the completed application along with the following items:**

**Project application and description**

- ☐ Land Development Report<sup>1</sup>
- ☐ A copy of the current recorded deed<sup>2</sup> (*must show "End of Document" stamp on last page*)
- ☐ Legal description on a separate 8.5 x 11" sheet of paper

**Site plan, drawings, and photographs**

- ☐ One elevation drawing for new construction (including home additions, garage additions, and fences)
- ☐ Five copies of the site plan or building rendering (whichever is applicable), including the following elements. LOJIC maps are not acceptable. *See site plan example on the last page.*
  - ☐ Plan drawn to a reasonable scale [engineer's scale (1" = 20') or architect's scale (1/8" = 1')]
  - ☐ Vicinity map that shows the distance from the property to the nearest intersecting street
  - ☐ North arrow
  - ☐ Street name(s) abutting the site
  - ☐ Property address, parcel ID, and dimensions
  - ☐ Building limit lines
  - ☐ Electric, telephone, drainage easements with dimensions
  - ☐ Existing and proposed structures with dimensions and distance from property lines
  - ☐ Highlight (in yellow) the location of the variances

**Supplemental documentation**

- ☐ A copy of Refusal Letter from citing official, if applicable (**required** if a STOP WORK ORDER or CITATION has been received)
- ☐ If the proposed structure encroaches into an easement (MSD, LG&E, or Bell South), then the applicant must submit written documentation from the utility company indicating approval for the encroachment

**Mailing labels to notify Adjoining Property Owners (APOs)<sup>3</sup>**

- ☐ One set of legible mailing label sheets for: 1<sup>st</sup> tier APOs and those listed on the application
- ☐ One copy of the APO mailing label sheets

**Requirements for Non-Public Hearing Applications Only**

*Eligible cases are heard in the Business Session of Board of Zoning Adjustments (BOZA) meetings. All APOs must sign the attached Non-hearing affidavit indicating consent for the variance, as comments from the general public are not taken during this process.*

- ☐ Non-Hearing Affidavit form (see pages 5-6)
- ☐ Photographs of the subject area from all angles

**Fee (cash, charge or check made payable to the Department of Codes & Regulations)**

- ☐ Application Fee: **\$ 70** for Single-Family Uses  
**\$ 180** for Multi-Family Uses, churches, parish halls, temples, schools and institutions of learning (except colleges, universities, trade, business or industrial schools), not-for-profit uses, and clubs, private non-profit  
**\$ 450** for All Other Uses
- ☐ Clerk's Fee: **\$ 25.50**  
(*If two or more applications are submitted simultaneously for the same site, only one clerk's fee is required*)

**NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 1**

*Qualifications for a Non-Public Hearing include:*

- 1. Residential, non-corner parcels only.*
- 2. All adjoining property owners must sign this affidavit. This includes all owners listed on the deed.*
- 3. For each adjoining property that is held by a company, corporation, trust, etc. there must be a Certification Statement included with the affidavit.*
- 4. All supporting documentation listed in the checklist must be included with the application.*

Date: \_\_\_\_\_

I (We), \_\_\_\_\_, owner(s) of the subject property under Case # \_\_\_\_\_ states as follows: It is hereby requested that the application for variance under Case # \_\_\_\_\_ be considered by the Board in open executive session without holding a public hearing on the proposal.

The signatures of all adjoining property owners required by the Board of Zoning Adjustment’s resolution of February 15, 1982 have been submitted to the Board so that the variance may be acted upon without a public hearing.

Print Name: \_\_\_\_\_ Signature of Owner: \_\_\_\_\_

Print Name: \_\_\_\_\_ Signature of Owner: \_\_\_\_\_

**NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 2**

Date: \_\_\_\_\_

We have seen a drawing of the proposed (e.g. garage, addition) \_\_\_\_\_  
to be constructed at (address) \_\_\_\_\_.

As owners of the property adjacent to the above address, we give our consent and do not object to the planned construction or to the variance that will be required.

**Please note:** *If the property is in joint ownership, all owners must sign or an authorized person must sign (authorized persons must also complete the certification statement). If there is a POA, the property owner is deceased or there are extenuating circumstances, please indicate on the signature line. For additional signatures, use additional copies of the affidavit form.*

1. Address: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_

2. Address: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_

3. Address: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_

4. Address: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_

**Certification Statement:** A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, \_\_\_\_\_, in my capacity as \_\_\_\_\_, hereby  
*representative/authorized agent/other*

certify that \_\_\_\_\_ is (are) the owner(s) of the property which  
*name of LLC / corporation / partnership / association / etc.*

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

## Resources:

1. Detailed instructions to obtain a Land Development Report are available online at: <http://www.louisvilleky.gov/PlanningDesign/IWantTo/Find+a+Zoning+District.htm>
2. Deeds and plats can be found at the Jefferson County Clerk's Office, located at the 2<sup>nd</sup> floor of Metro Hall (527 West Jefferson Street, telephone: 502-574-6220). Many deeds, plats and other records are available online at: <http://www.landrecords.jcc.ky.gov/records/S0Search.html>
3. Property ownership information can be found at the Property Valuation Administrator (PVA) office at 531 Court Place, Suite 504. Instructions to obtain APO information: <http://www.louisvilleky.gov/PlanningDesign/APO>

*Sample site plan is for example purposes only and not drawn to scale*

